IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.06.2007

CORAM:

THE HON'BLE MR.JUSTICE M.CHOCKALINGAM

CRP.NPD.NO.1246 OF 2006
and
CMP.NO.1 OF 2006

1.M/s Rita Agencies
rep.by its Partner Mr.Rajan sayal,

2.M/s Raja Bottling Machines Pvt. Ltd.,
rep. By its Director, Vinay Syal,

3.Rajan Syal,

4. Vinay Syal ..Petitioners
(Petitioners)

Vs.

Ganeshlal Sadani ..Respondent
(Respondent)

This Civil Revision Petition is filed against the fair and decretal order dated 14.7.2006 made in E.A.No.2834 of 2006 in E.P.No.1051 of 2006 in O.S.No.7318 of 2001 passed by the Hon'ble IX Assistant Judge, City Civil Court, Chennai.

For Petitioners:Mr.Arvind Subramaniam

For Respondent: Mr.T.Skanda Kumar

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O R D E R

Challenging the order of the IX Assistant City Civil Judge, Madras made in Execution Application No.2834 of 2006 in E.P.No.1051 of 2006 filed by the respondent/decree holder pursuant to the money decree passed in O.S.No.7318 of 2001, the judgment debtor has brought forth this Civil Revision petition.

2. Admittedly, after passing of the decree, execution petition referred to above was filed by the respondent/decree holder in order to get the fruit of the decree for attachment and sale of an immovable property of the judgment debtor mentioned in the schedule to the property. The trial Court dismissed the petition filed in I.A.No.14168 of 2005 seeking permission to grant leave to defend and permit the

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petitioners to let in evidence and to file written statement. Neither any counter nor even an undertaking has been given no to alienate the property, pending the execution proceedings. Following the same, an appeal in E.A.No.2834 of 2006 was filed to set aside the said order. Not satisfied with the reasons adduced, the Court below, dismissed the application. Under such circumstances, the above Civil Revision petition has been brought forth.

3. On the earlier occasion, this Court imposed a condition that the revision petitioner/judgment debtor to make the payment of Rs.2,50,000/- out of the decree amount claimed by the execution petition before the Court and accordingly it was paid.

Today, both the parties are present before this Court. It is agreed between the parties that for the total claim of Rs.7,34,673/-, a sum of Rs.2,50,000/- has already been paid and in respect of the remaining amount, it is agreed that the revision petitioner/judgment debtor should make the payment of Rs.2,75,000/- in full quit within a period of six weeks here from and if made, entire decree will come into full satisfaction and if not complied with, the respondent is at liberty to prosecute the execution proceedings, which is now pending before the lower Court. The revision petitioner has made a defence plea made in the course of the counter. As per the agreement put forward by the parties the condition by making the payment of Rs.2,75,000/- within a period of six weeks is complied with, the respondent/judgment holder undertakes to file full satisfaction memo before the lower court and the lower court is directed to record the same of full satisfaction of the decree.

4. The Civil Revision Petition is ordered accordingly. No costs. Consequently, CMP.No.1 of 2006 is closed.

VJY

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Registrar, City Civil Court, Chennai.

2. The IX Assistant City Civil Court, Chennai.

+1 cc to Mr.M.Aravind Subramaniam, Advocate Sr.No.34025.

JRG(CO)
dcp/21.6.07

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AND
connected M.P.

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